IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1398 of 2006 (S/S)

Smt. Darshani Giri
W/o Shri Shambhu Prasad Giri
R/o Village & Post- Langashu
District Chamoli. ……..Petitioner

Versus

1. State of Uttaranchal through
its Secretary, Basic Education
Dehradun.
2. Director of Education (Basic)
Uttaranchal Govt. Dehradun.
3. Additional District Education Officer
Chamoli/D.E.O. Chamoli.…….Respondents.

Shri M.S. Chauhan, learned counsel for the petitioner.
Shri Harendra Belwal, learned Standing Counsel for the State.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned Standing Counsel.

3. By means of this petition, the petitioner, has challenged the order dated 04.09.2006 (Annexure-2 to the petition), whereby petitioner's representation against transfer order dated 31.07.2006, is rejected.

4. It appears that earlier the petitioner filed writ petition No. 1141 of 2006 (S/S), challenging the transfer order dated 31.07.2006, whereby the petitioner, who is Assistant Teacher, was transferred from Junior High School, Jhiloti (Pokhari), District Chamoli to Junior High School Badhgaun, Karnaprayag, District Chamoli. The said writ petition appears to have been decided on 22.08.2006, whereby this Court directed that the petitioner shall make representation, which shall be

disposed of by the authorities concerned. In compliance of said order dated 22.08.2006, the impugned order dated 04.09.2006, is passed by Additional District Education Officer (Basic), Chamoli, whereby representation of the petitioner has been rejected.

5. Learned counsel for the petitioner has challenged the said order on the ground that the reasons mentioned therein for rejecting the application are wrong. Perusal of the impugned order dated 04.09.2006, shows that the petitioner is a woman Assistant Teacher of Junior High School. Under the scheme of administration, the Girls High School, are to be filled from amongst the Woman Assistant Teachers. Learned counsel for the petitioner, argued that in other schools, said Rule is not being complied with strictly, as such only the petitioner is being made victim of said principle.

6. This Court is conscious of the fact that in the matters of transfer, it should not interfere unless there is element of malice or violation of any statutory rule or law. In the present case, it appears neither of the two nor can it be said to be arbitrary order. The reasons mentioned in the impugned order, rejecting the representation of the petitioner, cannot be quashed only on the ground that they are not acceptable to the court or to the petitioner. Therefore, the writ petition is dismissed in limine. (All pending applications also stand disposed of).

Dt. 14.11.2006 **(Prafulla C. Pant, J.)**

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